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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,762	01/25/2001	Robert A. Wright	50269-0745	7760
29989	7590	08/14/2006	EXAMINER	
HICKMAN PALERMO TRUONG & BECKER, LLP 2055 GATEWAY PLACE SUITE 550 SAN JOSE, CA 95110			LEE, PHILIP C	
		ART UNIT	PAPER NUMBER	
			2152	

DATE MAILED: 08/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

<b>Application No.</b>	09/770,762	<b>Applicant(s)</b>	WRIGHT ET AL.
<b>Examiner</b>	Art Unit Philip C. Lee	2152	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 21 July 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1.  The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2.  The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3.  The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because

- They raise new issues that would require further consideration and/or search (see NOTE below);
- They raise the issue of new matter (see NOTE below);
- They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4.  The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5.  Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.

6.  Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7.  For purposes of appeal, the proposed amendment(s): a)  will not be entered, or b)  will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none.

Claim(s) objected to: none.

Claim(s) rejected: 30-51.

Claim(s) withdrawn from consideration: none.

**AFFIDAVIT OR OTHER EVIDENCE**

8.  The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9.  The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10.  The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11.  The request for reconsideration has been considered but does NOT place the application in condition for allowance because:

12.  Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_

13.  Other: see attached paper.

**WILLIAM VAUGHN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100**

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1. The request for reconsideration has been entered and considered but it is not persuasive.
2. In the remarks, applicant argued that:
  - a. There is nothing between the collectors that could be considered to be a proxy.
  - b. Morshed does not teach a plurality of first processes on the first server communicating with a plurality of second processes on the second server via the connection as claimed.
  - c. Mathur teaching prevents data exchange between a proxy and a plurality of processes via shared memory as claimed.
3. In response to point (a), Morshed discloses that collectors 1072a and 1072b may act as a pass through agent. This means that the collectors are acting as a proxy (col. 37, lines 25-27; col. 43, lines 23-36; col. 44, lines 62-64).
4. In response to point (b), Morshed teaches client software communicates with server software (col. 43, lines 3-4). The server software includes processes 1070a, 1070b, 1072a, 1072b and 1074a (col. 43, lines 4-8). The client software includes processes 1070c, 1072c and 1074b (col. 42, line 1-col. 43, line 3). In addition, Morshed teaches the client software can include multiple client processes (e.g. multiple 1070c), each with an associated monitor process (e.g. multiple 1072c) interfacing with a collector (1074b) (col. 35, lines 37-41). Processes on server (1072a, 1072b and 1074a) can communicate with collector on the client system, and

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processes on client (multiple 1072c and 1074b) can communicate with collector on server via a remote connection (col. 43, lines 8-19; col. 36, lines 30-39).

5. In response to point (c), as recited in claim 30, "each process is assigned a region of the shared memory", hence, a process cannot access a region not assign to it. Similar to Mathur's teaching, each process is assigned a region in shared memory, wherein a process cannot access the region in shared memory not assign to it. However, Mathur does not prevent data exchange between a proxy and a plurality of processes via a shared memory. Assume that each of monitor processes and collector is assigned a region of the shared memory. Monitor processes can access their assigned region of shared memory to retrieve data and send the data to a collector. Then the collector can stored the data in its assigned region of shared memory. Also, the collector can access stored data in its assigned region of shared memory and send the data to the monitor processes, wherein the monitor processes store the received data in their assigned region of shared memory. Hence, the monitor processes and exchange data with collector by way of (via) accessing each processes assigned region of shared memory.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (571)272-3967. The examiner can normally be reached on 8 AM TO 5:30 PM Monday to Thursday and every other Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

P.L.



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